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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,997	05/23/2001	Satoshi Yuzawa	525/50004	7506

7590 06/04/2003
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EXAMINER

ZEADE, BERTRAND

ART UNIT PAPER NUMBER

2875

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,997

Applicant(s)

YUZAWA ET AL.

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15, drawn to a method of manufacturing a wood-base, classified in class 144, subclass 332.
- II. Claims 16-27, drawn to a wood-base decorative article, classified in class 362, subclass 351.

The inventions are distinct, each from the other because:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant group I involves steps of performing a coating process on a veneer formed by slicing wood, and preparing a veneer sheet by bonding. Group II is a process of using the product made by utilizing a source of light.

Inventions group I and group II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as wood-base decorative and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct,

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applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Election/Restriction

1. During a telephone conversation with Attorney Herbert I. Cantor on 04/08/2003 a provisional election was made without traverse to prosecute the invention of a wood-base decorative article, claims 16-27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-15 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
2. Applicant is reminded that upon the cancellation of claims 1-15 to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16- 20, 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Wurz et al. (U.S.5,989,657).

Wurz ('657) discloses a trim strip having:

Regarding claim 16, a veneer (8) formed by slicing wood; and a substrate formed of a transparent synthetic resin or layer (1) and joined to a rear surface of the veneer (8) (see figs. 1-4).

Regarding claim 17, the transparent reinforcing member (1) for reinforcing the veneer (8) is interposed between the veneer (8) and the substrate (see figs. 1-4).

Regarding claim 18, at least one of the veneer (8) and the reinforcing member (9) is impregnated with a transparent synthetic resin (1).

Regarding claim 19, a design layer or decor layer (2a) for increasing variation of a design of the veneer (8) is arranged on at least one of front and rear surfaces of the substrate (see figs. 1-4).

Regarding claim 20, the design layer or decor layer (2a) is removably attached to the rear surface of the substrate (see figs. 1-4).

Regarding claim 26, wherein part of the substrate is formed of an opaque synthetic resin.

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Regarding claim 27, a topcoat (2) is applied to a front surface (6) of the veneer (8).

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurz ('657) in view of Johnson et al. (U.S.6,439,731).

Wurz ('657) discloses the claimed invention except for a light source.

Johnson ('731) discloses a flat panel LCD display having:

Regarding claim 21, a light source (12) for illumination is provided on a rear surface side of the substrate (see figs. 1-2).

Regarding claim 22, at least one of a color and an amount of light emitted from the light source is variable (col. 5, lines 36-61).

Regarding claim 23, a light guide plate or optical chamber (16) for making uniform the from the light source (12) is interposed between the light and the substrate.

Regarding claim 25, an indicator for giving a predetermined indication by using at least one of a LC (18) device and an LED device is provided on a rear surface side of the substrate.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the trim strip of Wurz ('657) with the light source disclosed by Johnson ('731) for benefit and advantage to provide a layered illumination assembly for mounting in a backlighting relationship with a liquid crystal display device, because the arrangement of LEDs essentially filling the entirety of the surface, and backlighting the LCD panel with an essentially uniform illumination.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wurz ('657) in view of Johnson ('731) as applied to claim 21 above, and further in view of Jennings (U.S. 6,156,411).

8. Wurz ('657) in view of Johnson ('731) disclose the claimed invention except for a predetermined information.

Jennings ('411) discloses a decorative backlight components using transparent thermoplastic elastomers and methods of making the same.

Regarding claim 24, a display member (52) for displaying predetermined information (58/60) is provided on a front surface of the veneer (see fig. 6).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the trim strip of Wurz ('657) in view of Johnson ('731) with the predetermined information disclosed by Jennings ('411) for the benefit and advantage to provide a thin decorative layer molded onto the surface, the decorative film may consist of multiple layers, incorporating colors, graphics and different textures for aesthetic purposes.

Contact Information

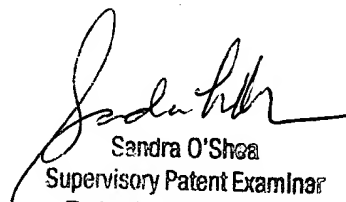
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Examiner: Bertrand Zeade

May 27, 2003.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800